

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

MINNEAPOLIS FIREFIGHTERS'  
RELIEF ASSOCIATION,

Plaintiffs,

v.

Civil No. 08-6324 (PAM/AJB)

MEDTRONIC, INC., *et al.*,

Defendants.

**AFFIDAVIT OF ERIC S. SCHACHTER REGARDING  
(A) MAILING OF THE NOTICE AND PROOF OF CLAIM AND  
(B) REPORT ON REQUESTS FOR EXCLUSION RECEIVED**

STATE OF MINNESOTA            )  
  ) ss.:  
COUNTY OF RICE                )

ERIC S. SCHACHTER, being first duly sworn, deposes and says:

1. I am a Senior Project Administrator at Rust Consulting, Inc. ("Rust"), the Claims Administrator retained by Lead Counsel and approved by the Court in the above-titled action.

2. Rust previously executed an affidavit that was subsequently filed with the Court ("Mailing Affidavit"), testifying to, among other things, the mailing of the Notice of Pendency of Class Action and Proposed Settlement, Settlement Fairness Hearing, and Motion for Attorneys' Fees and Reimbursement of Litigation Expenses (the "Notice") and Proof of Claim and Release form ("Proof of Claim") (together, the "Notice Packet")

and requests for exclusion from the Class received at that point in time. I respectfully submit this supplemental affidavit in order to provide the Court with updated information regarding the mailing of Notice Packets and the requests for exclusion from the Class received to date. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

### **MAILING OF THE NOTICE AND PROOF OF CLAIM**

3. Since the execution of the Mailing Affidavit, Rust has continued to receive requests from potential Class Members, brokers and other nominees for copies of the Notice Packet. As a result, additional Notice Packets have been disseminated such that through October 30, 2012, Rust has disseminated a total of 546,435 Notice Packets to potential Class Members.

### **REQUESTS FOR EXCLUSION**

4. The Notice informs Class Members that in order to be excluded from the Class, a letter requesting exclusion must be mailed to Rust such that it is received no later than October 18, 2012. The Notice also explains what each request for exclusion must include.

5. Attached hereto as Exhibit A is a list of persons and entities whose requests for exclusion were received through October 30, 2012.

OBJECTIONS

6. The Notice informs Class Members that objections are to be filed with the Clerk of the Court and copies received by Representative Lead Counsel and Defendants' Counsel no later than October 18, 2012. Although objections are not to be sent to Rust, nevertheless, as part of its standard procedures, Rust personnel examine all mail received to search for objections. Through October 30, 2012, Rust has received no objections.

I declare under penalty of perjury that the foregoing statements are true and correct.

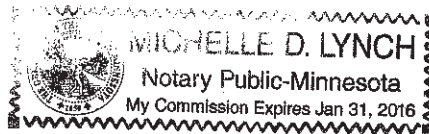


Eric S. Schachter

Sworn to before me this  
1<sup>st</sup> day of November, 2012



Notary Public



# Exhibit A

**Exhibit A**

**Requests for Exclusion Received**

- |   |   |
|---|---|
| 1. Linda D. Adams IRA<br>Edmonds, WA  | 12. Teresa D. Brabandere<br>Damme BELGIUM                                       |
| 2. Amie Allen<br>Midhurst, ON CANADA  | 13. Marlin C. Brant<br>Westbrook, ME  |
| 3. Am-Con Industries, Inc.<br>by Patrick Connelly   | 14. Brian Rossy Holdings Ltd.<br>by Brian Rossy<br>Ville Mont-Royale, QC CANADA |
| 4. Susan and Stephen Ashbourne<br>Oakville, ON CANADA   | 15. Estate of Lucille Brownrigg<br>by Robert Brownrigg<br>Longueuil, QC CANADA  |
| 5. Colin C. Barnes<br>Delhi, ON CANADA  | 16. Diane C. Cameron<br>Bedford, NS CANADA                                      |
| 6. Estate of Gerhard Bartel<br>by Wilf Bartel, Executor<br>Calgary, AB CANADA   | 17. Clarence Carline<br>Dorothy Carline<br>Victoria, BC CANADA                  |
| 7. Ronald Baxter and<br>Marilyn Baxter<br>Ancaster, ON CANADA   | 18. David E. Carls and<br>G. Carol Carls<br>Edina, MN                           |
| 8. Anne West as beneficiary of<br>Estate of John J. Beaton<br>Ancaster, ON CANADA   | 19. Margaret M. Case<br>Los Gatos, CA   |
| 9. Bella Rose Arts Centre Society<br>(f/k/a Halifax West Community<br>Theatre Association)<br>by Gary K. O'Hara<br>Halifax, NS CANADA | 20. Raymond P. Cekalla and<br>Gloria J. Cekalla<br>Oakdale, MN                  |
| 10. Steen Bender<br>Roskilde, DENMARK   | 21. Audrey Chelberg<br>Walker, MN   |
| 11. Sheila A. Berry<br>Parksville, BC CANADA  | 22. Jay Y. Cherner<br>Edina, MN   |

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| <p>23. Joyce E. Cialkowski (IRA) and<br/>Joyce E. Cialkowski as beneficiary<br/>of Estate of Edward M.<br/>Cialkowski (IRA)<br/>South Holland, IL</p> | <p>34. Guardian Investments Ltd.<br/>by H.L. Waddell, President<br/>West Vancouver, BC</p>   |
| <p>24. Janine Conrad and<br/>Norbert Conrad<br/>Kaslo, BC CANADA</p>  | <p>35. David W. Hoffmann and<br/>Donna Kay Hoffman<br/>Kent, WA</p>  |
| <p>25. Barbara Cox as beneficiary of<br/>Estate of Charles A. Cox<br/>Fort Worth, TX</p>  | <p>36. Melody Hopponen<br/>Brooklyn Park, MN</p>   |
| <p>26. Eleazar Diaz and<br/>Guadalupe Diaz<br/>Las Vegas, NV</p>  | <p>37. Emma Jean Iverson<br/>Granite Falls, MN</p>   |
| <p>27. Peter Duda<br/>Kabelsketal GERMANY</p>   | <p>38. Marc Jaspers<br/>Ophain-Bois-Seigneur-Isaac<br/>BELGIUM</p>   |
| <p>28. Estate of Robert W. Duer<br/>by Leslie Owen<br/>Alta Loma, CA</p>  | <p>39. Donald Jinnouchi<br/>on behalf of himself,<br/>Francoise Jinnouchi and<br/>Jinnouchi Holdings Ltd.<br/>Coquitlam, BC CANADA</p> |
| <p>29. Mary Ellen Feidelman<br/>Winter Springs, FL</p>  | <p>40. Gerald D. Just and<br/>Darlene D. Just<br/>Moorhead, MN</p>   |
| <p>30. Andrew R. Feyes<br/>Northwood, OH</p>  | <p>41. Michael Kalef<br/>Vancouver, BC CANADA</p>  |
| <p>31. Estate of Gordon Fong<br/>by Mike Fong, Executor<br/>Vancouver, BC CANADA</p>  | <p>42. Jane B. Kane<br/>Havertown, PA</p>  |
| <p>32. Sidney Fosdick and<br/>Emma Fosdick<br/>Qualicum Beach, BC CANADA</p>  | <p>43. Douglas Keary<br/>Port Severn, ON CANADA</p>  |
| <p>33. Derek Griffiths and<br/>Mary Griffiths<br/>Edmonton, AB CANADA</p>   | <p>44. Melisa Anne Kennedy<br/>Mississauga, ON CANADA</p>  |
|   | <p>45. Scott Klempner<br/>Chandler, AZ</p>   |

46. Kolbuc Investments Ltd.  
by Cheryl Kolbuc  
Edmonton, AB CANADA
47. Pauline Kundis  
Winter Park, FL
48. Middie Lam  
Siu Sai Wan, HONG KONG
49. Liliane Le Blanc  
Montreal, QC CANADA
50. Maurice and Eileen le Gallais  
Vancouver, BC CANADA
51. Esther Li and Tai-Ping Li  
Scarborough, ON CANADA
52. Nancy C. Lloyd  
Moraga, CA
53. Jo Logan  
CANADA
54. Logistique Canamex Inc.,  
Canaroute Inc. and  
Gestion SJG Inc.  
by Richard Allaire  
Boisbriand, QC CANADA
55. Alexander R. MacKenzie  
Quincy, MA
56. Margaret MacLean and  
Fraser MacLean  
Victoria, BC CANADA
57. Bonney Major and  
Thomas Major  
Victoria, BC CANADA
58. Edgar D. Marburger  
Mishawaka, IN
59. Jyunji Mashio  
Tokyo, Japan
60. Kathryn Mauro  
Burnaby, BC CANADA
61. Marguerite McDevitt  
Mohave Valley, AZ
62. José Manuel Mendoza Morales  
Tijuana, B.C. MEXICO
63. Lisa A. (Buckler) Meyer  
Collierville, TN
64. Midas Makers Investment Club  
by Roslyn Regudon, Co-Treas.  
Lynnwood, WA
65. Giovanni Moretti  
Vienna AUSTRIA
66. Lynne E. Munro  
London, ON CANADA
67. Mary M. Nash and John C. Nash  
Ottawa, ON CANADA
68. Myrna Jean Noujaim  
Edmonton, AB CANADA
69. Orth Trust UA 01/18/2000  
by Elaine M. Orth and  
Francis J. Orth, Trustees  
Newton, WI
70. Dan Ose  
South St. Paul, MN

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| 71. Kent A. Page<br>Mississauga, ON CANADA                       | 84. Gilles Roy<br>Quebec, QC CANADA   |
| 72. Patricia Page<br>Mississauga, ON CANADA                      | 85. Harold G. Rueth Jr. Living Trust<br>U/A DTD Dec. 17, 1992<br>by Harold G. Rueth, Jr., Trustee<br>Griffith, IN |
| 73. Richard E. Papke and<br>Mary Ann M. Papke<br>Blaine, MN      | 86. Colin Albert Harry Russ and<br>Zsuzsanna Russ<br>Folkestone, Kent<br>UNITED KINGDOM                           |
| 74. Margaret Peel and Ronald Peel<br>Surrey, BC CANADA           |   |
| 75. Dana M. Perkins<br>Golden Valley, MN                         | 87. Ronald R. Schlemer<br>Denton, MD  |
| 76. David H. Pihl<br>Kelowna, BC CANADA                          | 88. Margaret A. Schlichting and<br>James J. Schlichting<br>Cushing, MN  |
| 77. Robert Northey Plank<br>and Inge Plank<br>Kelowna, BC CANADA | 89. Kenneth A. Schopen<br>Phoenix, AZ   |
| 78. Sandra Rayson Poon<br>Regina, SK CANADA                      | 90. Johanna L. Spencer<br>North Babylon, NY   |
| 79. Roy E. Pope<br>Stacy, MN                                     | 91. Deanna Stauffer<br>Lantzville, BC CANADA  |
| 80. Virginia H. Rahja<br>Tulsa, OK                               | 92. Robert F. Stauffer<br>Lantzville, BC CANADA   |
| 81. Tony Rashed<br>Kirkland, QC CANADA                           | 93. P. Susan Steele<br>Mill Valley, CA  |
| 82. Margaret Ronvel<br>Saskatoon, SK CANADA                      | 94. Bob Stephenson<br>Brooklin, ON CANADA   |
| 83. Elizabeth P. Rowcliffe<br>Hensall, ON CANADA                 | 95. Patricia A. Supplitt<br>Naples, FL  |



96. Nancy Tallon  
London, ON CANADA
97. Ronald G. Trewin  
Moncton, NB CANADA
98. Tymac Launch IPP in trust for  
James and Catherine Phillipson  
North Vancouver, BC CANADA
99. Joseph Tymkow  
by Brenda Rue  
Lethbridge, AB CANADA
100. Jon Van Benthem  
Heather Van Benthem  
Denver, CO
101. Jean Philippe Verniere  
Riom, FRANCE
102. Sandra F. Viktora  
Pharr, TX
103. Whitney Benefits  
by Tom Kinnison, President  
Sheridan, WY

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